

REMARKS

In view of the following remarks, reconsideration and allowance of this application are requested. Claims 1-11, 13-16, 31-50, 63-66, and 100-121 are pending, with claims 1, 10, 100, and 116-121 being independent. Claim 100 has been amended and claims 110-121 have been added. Applicant asks that all claims be examined in view of the amendments to the claims.

Claims 1-3, 7-11, 63-66, and 100-109 have been rejected under 35 U.S.C. §103(a) as being obvious over Near (U.S. Patent No. 5,995,091). Claims 4, 13, 15, and 16 have been rejected under 35 U.S.C. § 103(a) as being obvious over Near in view of Shaw, *Microsoft Office 6-in-1*. Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being obvious over Near in view of Johnson (U.S. Patent No. 5,892,847). Claims 31-50 have been rejected under 35 U.S.C. § 103(a) as being obvious over Near in view of Caire (U.S. Patent No. 5,663,962). Applicant respectfully requests withdrawal of these rejections.

Independent claims 1, 10, and 100 relate to a “method for streaming a multimedia document,” a “computer system storing a file structure,” and “a method for producing a streaming document,” respectively. Each of claims 1, 10, and 100 recite, among other things, enabling display of objects based on a temporal order defined by choreography information, “wherein the temporal order is maintained... independent of a bandwidth of a communications channel used to send the multimedia document.”

The Office Action acknowledges that “Near does not explicitly disclose that the temporal order is maintained independent of a bandwidth of a communications channel used to send the multimedia document.” Nevertheless, at pages 3-4, 6, and 7-9, the Office Action relies solely upon Near in rejecting claims 1, 10, and 100. For example, on page 4, the Office Action asserts that (emphasis in original):

it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Near to include the independence of the temporal order over a bandwidth of a communication channel used to send the multimedia document for the following reason. The fact that Near provides generating a bandwidth-controlled presentation data stream, thereby *controlling network load and providing predictable performance on a variety of playback systems* (col. 2, lines 61-67) suggests that the playback

of the data stream in Near is not dependent on the playback systems and is not dependent on the bandwidth of a communication channel used to send the multimedia document since the network load while sending the media document is controlled via the authoring tool.

However, there is no motivation or teaching to modify Near to maintain temporal order independent of a bandwidth of a communications channel.

To the contrary, as described in more detail below, Near describes a multimedia system in which playback of a multimedia presentation is dependent on the author's selection of a bandwidth to be used. The system of Near requires the author to select a bandwidth for playback of the presentation. If the available bandwidth, as compared to the author-selected bandwidth, is insufficient to allow playback of the presentation, then the system of Near allows the author to abort the presentation. If the author aborts playback of the presentation, it necessarily follows that the system of Near does not render the presentation and, thus, does not maintain the temporal order of the presentation independent of the bandwidth of the communications channel.

More particularly, Near describes the multimedia system as including an authoring tool used to create a presentation sequence of images and/or sounds to be played back. (Near at col. 3, lines 56-58). The authoring tool requires the author to select a bandwidth for playback. (*Id.* at col. 3, lines 37-39). In addition, the author may specify a time at which one or more of the image(s) and/or sound(s) are to be played back (e.g., play sound X at 2 minutes after playback begins). (*Id.* at col. 3, lines 58-60).

The authoring tool of Near includes a checking operation, illustrated in FIG. 1, to determine whether the presentation can be played back at the selected bandwidth with the specified image(s) and/or sound(s) played at the specified times. (*Id.* at col. 7, lines 31-36). At step 109, the authoring tool determines the amount of buffer space available on the playback system. (*Id.* at col. 7, lines 54-57). At step 111, the authoring tool calculates the loading time required to load sufficient data into the buffer based on the bandwidth that has been selected by the author. (*Id.* at col. 7, lines 62-64). Based on the buffer space and loading time, at step 113, the authoring tool determines whether the specified image(s) and/or sound(s) will be able to be

played back at the time(s) specified by the author using the bandwidth selected by the author. (*Id.* at col. 7, line 64 to col. 8, line 1).

If so, then, at step 115, the authoring tool permits interleaving the images and/or sounds for playback. (*Id.* at col. 8, lines 1-4). If not, then, at step 117, the authoring element computes the amount of time delay for presentation of the specified image(s) and/or sound(s), and, at step 119, notifies the author of the length of the delay. (*Id.* at col. 8, lines 4-7). The author then chooses whether to playback the image(s) and/or sound(s) at the delayed time (steps 121 and 123) or to abort the presentation (step 125). (*Id.* at col. 8, lines 7-12).

Thus, Near contemplates a situation where the bandwidth selected by the author is insufficient to allow playback of the image(s) and/or sound(s) at the specified times. In that situation, Near permits the author to abort the presentation, so that the presentation will not be played back at all, let alone in the correct temporal order. Therefore, Near describes a system in which maintenance of temporal order is dependent upon the author-selected bandwidth, and teaches away from a method or system in which "the temporal order is maintained independent of a bandwidth of a communications channel." The Office Action appears to misunderstand this dependence on bandwidth in Near.

For at least the foregoing reasons, Near fails to provide a suggestion to modify its system to be bandwidth independent, and claims 1, 10, and 100, and claims 2-9, 11, 13-16, 31-50, 63-66, and 101-109 dependent therefrom, are patentable over Near.

New dependent claims 110, 112, and 114 (which depend from claims 1, 10, and 100, respectively), and new independent claims 116-118 are patentable over Near. Each of these claims recites, among other things, that the media content is rendered independent of an author-specified bandwidth to be used to send the multimedia document. Near fails to describe or suggest at least this feature. Rather, as discussed above, the multimedia system of Near plays back the images and/or sounds at a bandwidth that is required to be specified by the author. (*Id.* at col. 3, lines 37-39). Accordingly, Near teaches away from media content being rendered independent of an author-specified bandwidth. For at least these reasons, claims 110, 112, 114, and 116-118 are patentable over Near.

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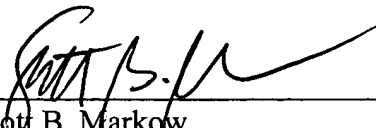
New dependent claims 111, 113, and 115 (which depend from claims 1, 10, and 100, respectively), and new independent claims 119-121 are patentable over Near. Each of these claims recites, among other things, that the media content is rendered independent of the bandwidth. Near fails to describe or suggest at least this feature. To the contrary, as discussed above, the checking operation of Near includes determining whether the presentation can be played back at the selected bandwidth with the specified image(s) and/or sound(s) played at the specified times. (*Id.* at col. 7, lines 31-36). If the bandwidth is insufficient for the specified image(s) and/or sound(s) to be played at the author-specified time(s), then the presentation can be aborted altogether. (*Id.* at col. 8, lines 7-12). Thus, in Near, the presentation may not be rendered at all if the author-specified bandwidth is insufficient. Accordingly, Near teaches away from media content being rendered independent of bandwidth. For at least these reasons, claims 111, 113, 115, and 120-122 are patentable over Near.

Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

Enclosed is a \$480.00 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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